

AMENDMENT TO RULES COMMITTEE PRINT 114-

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OFFERED BY MR. HIMES OF CONNECTICUT

At the end of subtitle E of title XII, add the following:

1 **SEC. 12___. POLICY ON WHEN AN ACTION IN CYBERSPACE**
2 **CONSTITUTES A USE OF FORCE AGAINST THE**
3 **UNITED STATES.**

4 (a) **POLICY REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the President
6 shall—

7 (1) develop a policy for determining when an
8 action carried out in cyberspace constitutes a use of
9 force against the United States; and

10 (2) revise the Department of Defense Law of
11 War Manual accordingly.

12 (b) **CONSIDERATIONS.**—In developing the policy re-
13 quired by subsection (a)(1), the President shall consider
14 the following:

15 (1) The ways in which the effects of a cyber at-
16 tack may be equivalent to the effects of an attack
17 using conventional weapons, including with respect
18 to physical destruction or casualties.

1 (2) Intangible effects of significant scope, inten-
2 sity, or duration.

3 (c) REPORT.—

4 (1) IN GENERAL.—The President shall submit
5 to the congressional defense committees the policy
6 required by paragraph (1) of subsection (a) and a
7 copy of the Law of War Manual revised pursuant to
8 paragraph (2) of such subsection.

9 (2) CONGRESSIONAL DEFENSE COMMITTEES.—

10 In this subsection, the term “congressional defense
11 committees” has the meaning given that term in sec-
12 tion 101(a) of title 10, United States Code.

